

Application No. 09/992,190
Amendment "B" dated October 20, 2003
Reply to Office Action of July 24, 2003

REMARKS

Applicant and applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on October 6, 2003. The amendments made by this paper are consistent with the proposals discussed during the Interview.

In the latest Office Action, dated July 24, 2003, claims 1-13, 18-22 and 24-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schein (U.S. Patent No. 6,388,714), claims 1-38 were rejected under 35 U.S.C. § 103(a) as being obvious over Schein in view of Nakata (U.S. Patent No. 5,426,534), and claims 1-38 were also rejected under 35 U.S.C. § 103(a) as being obvious over Intel Intercast Technologies ("Intel") in view of Nakata.¹ Finally, claims 33-38 were rejected for improperly claiming dependency on claim 31 rather than claim 32. By this paper, claims 33-38 have been amended to correct this informality.

The disclosure was also objected to. As discussed during the Interview, the proposed amendments to the specification that were proposed by the last amendment, but that have not been accepted by the Examiner, beginning with paragraph [0142], are hereby withdrawn, thereby resolving the objection.

Following this paper, claims 1-38 remain pending. Of these claims, 1, 10, 20, 26 and 32 are independent claims. Each of these independent claims has been amended consistent with the discussions at the Interview. Favorable reconsideration and allowance of the pending claims are now respectfully requested in view of the amendments, the matters discussed during the interview, and the further remarks made herein.

As reflected above, Applicant has claimed a method (claims 1, 10, 20) a corresponding computer program product (claim 26) and a system (claim 32) directed to an interactive television system that is configured for displaying television programs, hyperlinks and corresponding data, in which the display of a broadcast television program can be paused in a time-shifted manner, while the television program is being broadcast/received, in response to a selection of a hyperlink that is displayed with the television program, and upon obtaining the

¹ The prior art status of the cited art is not being challenged at this time. However, Applicant reserves the right to challenge the prior art status of Intel, Nakata, and Schein at any appropriate time, should it arise. Accordingly, any argument or comment made in reference to the cited art is made assuming, *arguendo*, that the cited art would qualify as a proper prior art reference.

Application No. 09/992,190
Amendment "B" dated October 20, 2003
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data corresponding to the hyperlink, so as to enable subsequent viewing of the paused television program in a time-shifted manner.

As discussed during the interview, Schein, Intel and Nakata neither anticipate nor make obvious the claimed invention, either singly or in combination. In particular, Intel fails to disclose or suggest any method in which television programming is paused at all. To the contrary, Intel identifies a system in which a user can "use a PC to watch TV and surf the Internet at the same time." (Intel p. 1, ln. 2)

As discussed in Applicant's background section (paragraphs 13-14), however, "the intercast information is currently either displayed in a split screen, or the display is toggled between the television program and the intercast information. In any event, to make use of the intercast signal the viewer must either miss part of the television program, or try to pay attention to the program while simultaneously concentrating on retrieving and understanding the intercast information. This is one of the major drawbacks of the intercast technology." (paragraph 14).

Accordingly, Intel does little more than identify a method for simultaneously viewing a television program while at the same time browsing interactive content. At no point does Intel make any reference to pausing a television program, as recited in the claims.

Schein similarly fails to disclose or suggest a method in which television programming is paused while the programming is being broadcast to the television system. Instead, like Intel, Schein discloses a method for enabling a viewer to watch a television program at the same time interactive data is viewed. In particular, Schein provides dual frame and picture-in-picture type interfacing so that "the viewer may browse through other information menus while viewing the currently tuned program." (Col. 19, ll. 3-4; Col. 18, ll. 12-13; Fig. 12A-12B, 13). The embodiments disclosed in Schein, however, fail to address or overcome the problem with viewing interactive content and television programming at the same time. To the contrary, Schein, like Intel, merely provides a way for viewing both interactive content and television programming at the same time.

Schein fails to disclose any method or system for pausing a television program while a television program it is being broadcast and in response to the selection of a hyperlink, as is recited in the claims. Schein does disclose a remote control 410 in Figure 7 and the Examiner has stated "that one of ordinary skill in the art would have had no difficulty in realizing that the pause function is inherently included in a remote control." Nevertheless, even assuming,

Application No. 09/992,190
Amendment "B" dated October 20, 2003
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arguendo, that the remote control could be operated to pause a VCR, it would be improper to suggest that the remote control could inherently pause live television programming in a time-shifted manner, as recited in the claims.

Finally, Nakata is directed to a "multiple-deck magnetic information recording and reproducing apparatus for dubbing recorded information from one magnetic recording medium to another magnetic recording medium." (Col. 1, ll. 10-14). Even though the Nakata device includes standard video recording capabilities, such as recording and pausing, Nakata in no way suggests or discloses any method for temporarily pausing a television broadcast in a time-shifted way, and particularly in response to the selection of a hyperlink that is displayed with the programming. In fact, Nakata fails to disclose the recording of broadcast television at all. Instead, Nakata discloses very specific recording procedures for beginning and ending a recording from one magnetic tape to another magnetic tape and so as to minimize the number of control buttons that must be pressed to perform such a function. (See the problem in the art referenced in Col. 2, ll. 56-68; and the specific recording procedures in Figs. 5-8 and corresponding spec).

For at least these reasons, as discussed during the interview, the references fail either alone or in combination to anticipate or make obvious a method, computer-program product, or system in which a broadcast program is displayed with a hyperlink, wherein upon receiving input selecting the hyperlink the data corresponding to the hyperlink is accessed, and wherein upon obtaining the data corresponding to the hyperlink and in response to the selection of the hyperlink, the data corresponding to the hyperlink is displayed and the television program is paused in a time-shifted manner, as claimed. Moreover, and in any event, there is no motivation provided in the references to combine them in any manner.

For at least these reasons, Applicant respectfully submits that the pending claims are neither anticipated by nor made obvious by the art of record, either singly or in combination. Reconsideration and allowance of the pending claims 1-38 is, therefore, respectfully requested.

Lastly, the Office Action also required the submission of a new formal drawing for the proposed drawing correction that has been approved by the Examiner. That new formal drawing has been filed by express mail concurrently with the filing of this Amendment.

Application No. 09/992,190
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In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20 day of October 2003.

Respectfully submitted,



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